

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HOMEDICS-USA, INC.,

Plaintiff,

Case No. 05-70102

v.

District Judge Sean F. Cox

Magistrate Judge R. Steven Whalen

YEJEN INDUSTRIES, LTD.,

Defendant.

**ORDER GRANTING IN PART AND DENYING IN PART
DEFENDANT'S MOTION TO COMPEL DISCOVERY**

Before the Court is Defendant Yejen Industries' Motion to Compel Discovery [Docket #59], which has been referred for hearing and determination pursuant to 28 U.S.C. §636(b)(1)(A). For the reasons and under the terms stated on the record on July 9, 2007, Defendant's Motion is GRANTED IN PART AND DENIED IN PART, as follows:

Defendant's request that Plaintiff supplement the narrative portion of its answers to interrogatories is DENIED. However, Plaintiff asserts that its answers to the interrogatories are also contained within some 3,300 pages of documents it produced. *See* Fed.R.Civ.P. 30(d). Within 21 days of the date of this Order, Plaintiff will therefore specifically identify, by Bates Number or otherwise, which documents are responsive to which interrogatory.

As to the requests to produce documents, Defendant's Motion to Compel is GRANTED. However, the Court is also persuaded that Plaintiff's request for an "attorney's eyes only"

protective order is appropriate. Within seven days of the date of this Order, Plaintiff will electronically file a proposed protective order as discussed on the record on July 9, 2007, and will produce the requested documents within 21 days of the Court's entry of that protective order.

Finally, because Defendant's counsel failed to comply with E.D. Mich. L.R. 7.1(a) and Fed.R.Civ.P. 37 (a)(2)(A), which require certification that, following a conference between the attorneys, he did not obtain concurrence in the motion, and because it appears to the Court that Plaintiff's counsel was therefore required to unnecessarily expend additional effort opposing the motion,¹ Defendant's lead counsel, Richard Hubbel, is assessed costs in the amount of \$1,000.00 (one-thousand dollars), payable to Plaintiff's counsel within 21 days of the date of this Order.

SO ORDERED.

S/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: July 9, 2007

CERTIFICATE OF SERVICE

¹ For example, Defendant's original motion asserted that Plaintiff had failed to timely object to the discovery requests. The record shows that Defendant granted Plaintiff an extension of time to respond, memorialized in an April 10, 2007 letter to Defendant's counsel. A Rule 7.1 conference would likely have resolved that issue, and obviated a written response.

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on July 9, 2007.

S/Gina Wilson
Judicial Assistant